

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-4 and 7-14 are pending in this application. Claims 1-4 and 7-14 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. 2005/0028208 to Ellis et al. (herein “Ellis”). That rejection is traversed as now discussed.

Initially, applicants and applicants’ representative wish to thank Examiner Shang for the interview granted applicants’ representative on July 6, 2010. During that interview the outstanding rejections were discussed in detail. Further, during that interview applicants’ representative presented comments as to how the claims as currently written were believed to clearly distinguish over the applied art. The present response reiterates those comments presented during that interview. Examiner Shang indicated he would further consider such comments when formally presented in a filed response.

The “Response to Arguments” section in the Office Action is first addressed. Applicants submit that section clearly sets forth what applicants believe to be the error in the rejection, and namely that the Office Action is not consistently citing elements in Ellis with respect to the claimed features as the Office Action cites the server 80 in Ellis to correspond to the claimed “personal computer” but in the “Response to Arguments” section cites the RAD-24 with respect to features of the claimed “personal computer” when that RAD-24 was cited with respect to the claimed “information processing apparatus”. In further detail, the “Response to Arguments” section states:

With respect to the rejection of the last office action mailed on 12/29/10, Applicant amends the claims and further argues that the prior art of record does not teach the claims limitations (see page 7+ of Applicant’s Remarks).

In response, Examiner disagrees. Examiner notes Applicant’s arguments, however, Ellis further discloses that RAD-24, may be any suitable personal computer (PC), portable computer, notebook computer, palmtop computer, display

remote, touch-screen remote....(personal digital assistance (PDA), etc. ([0092])), directly access the recording apparatus to set recording of a program by the recording apparatus by accessing a remote program information providing server (program or Service provided or TV-Distributor) through the Internet (Web Server) based on a user request to access the remote program information providing server (figs. 3 and 4, [0087]-[0088], [0092]-[0100] and][0195]-[0196]), note that the RAD-24 is also a remote control that can directly access the recording apparatus and communicate (Internet) to a service provider via a Web server.

Applicants traverse the above-noted basis for maintaining the rejection.

The above-noted comments emphasize Ellis discloses the cited RAD-24 may be any suitable personal computer. However, the outstanding rejection does not appear to rely on that RAD-24 in Ellis to correspond to the claimed “personal computer”. More specifically, the outstanding Office Action appears to cite the server 80 in Ellis to correspond to the claimed personal computer.

In that respect the Office Action states at page 3, last paragraph “A personal computer (*Server 80*, figs. 1-4 and 31-43)...” (emphasis added). That basis for the rejection again appears to emphasize in Ellis the noted server 80 is cited to correspond to the claimed “personal computer”.

The outstanding rejection goes on to indicate the cited RAD-24 in Ellis corresponds to the claimed “information processing apparatus”. Specifically, in the Office Action of April 28, 2010 at page 4, last full paragraph the Office Action states “an information processing apparatus “(Remote Access Device ‘**RAD**’ 24, [0092]-[0094])...” (emphasis added). Thereby, the outstanding Office Action appears to clearly indicate in Ellis the RAD-24 is cited to correspond to the claimed “information processing apparatus”.

Thereby, the above-noted statements maintaining the outstanding rejection with respect to the RAD-24 being any suitable personal computer does not appear to actually be

considering the claimed features or how the Office Action relied upon Ellis to meet the claimed features.

Applicants submit, as discussed further below, the claims as currently written clearly distinguish over the application of Ellis against the claims.

Ellis Does Not Teach or Suggest the “Personal Computer”
Recited in Each of the Claims

Independent Claim 1 recites:

a personal computer configured to (1) directly access a remote program information providing server through the internet based on a user request directly input to the personal computer by the user to obtain recording data for recording of a program from the remote program information providing server and (2) to directly access the recording apparatus to set recording of the program by the recording apparatus based on the obtained recording data;

The other independent claims recite similar features as in independent Claim 1.

As shown for example in Figure 1 in the present specification, an information processing system includes a personal computer 5 that can directly access a remote program information providing server 8 through the Internet based on a user request that is directly input into the personal computer by the user. The personal computer can further access the remote program information providing server 8 to obtain recording data for recording of a program and can directly access the recording apparatus 12 to set recording of the program from the server 8 by the recording apparatus 12 based on the obtained recording data.

Further, an information processing apparatus of a phone 1 or PDA 2 can access the remote program information providing server 8 through the Internet, without accessing the personal computer 5 or the recording apparatus 12. That is, the phone 1 or PDA 2 do not need to use the personal computer 5 or recording apparatus 12 as an intermediary for accessing the remote program information providing server 8 through the Internet. Further,

as clear for example from Figure 1 the phone 1 or PDA 2 can directly transmit converted code information for setting a program recording to the recording apparatus 12.

The claims as currently written are directed to an information processing system that can make it easier to program a recording device. With respect to Figure 1 in the present specification as a non-limiting example, an information processing apparatus such as a computer 5, cell phone 1, or PDA 2 can operate to program a VCR 12 so that the VCR 12 records a specific program at a specific time. Such information processing apparatuses 1, 2, 5 can themselves, under a user control, access a server, such as server 8, which stores an electronic program guide (EPG). Such information processing apparatuses 1, 2, 5 under a user control can access the EPG on the server 8 through the internet and download information of a program desired to be recorded, which information can then be directly provided to a remote recording device 12 so that the recording device can perform the recording. Such an operation provides an enhanced and simplified way for a user of the information processing apparatuses 1, 2, 5 to select a program to be recorded and to have the recording device 12 record the selected program.

According to features in the claimed inventions a personal computer 5 can access a remote program information providing service through the internet, directly based on the user request, to access a remote program information providing server 8, and can thereby select a program to be recorded and to have a recording device 12 record the selected program.

Ellis discloses an interactive television program guide with remote access, and more particularly appears to utilize a dedicated remote program guide access device 24 to access a program guide distribution equipment 21.

Applicants initially note one grounds for the outstanding rejection relies on Ellis to meet the limitations of the claimed “personal computer” by the server 80 shown for example

in Figure 31 in Ellis.¹ In that respect that element 80 shown in Figure 31 in Ellis is a centralized server for each of different user Television Equipment 1-3 (81-83) that may be distributed throughout a house. Such a noted server 80 in Ellis does **not**, however, operate:

...(1) to directly access a remote program information providing server through the internet based on a user request directly input to the personal computer by the user to obtain recording data for recording of a program from the remote program information providing server and to (2) directly access the recording apparatus to set recording of the program by the recording apparatus based on the obtained recording data;

Thereby, Ellis does not disclose or suggest the features directed to the “personal computer” as recited in each of the independent claims.

Applicants particularly note the server 80 in Figure 31 in Ellis only connects to user television equipments 1-3 (81-83), but **does not receive any direct input from a user**. In the claimed invention a personal computer such as element 5 in Figure 1 **receives a direct input from a user**, and then access a remote program information providing server 8. Clearly the server 80 in Figure 31 of Ellis does not operate in any similar manner as that element 80 is only a centralized server for different television equipment 1-3 (81-83) and **not for a direct user input**.

Applicants note the outstanding Office Action has not presented any comments to address the above-noted arguments as to why the features of the “personal computer” recited in each of the independent claims is not met by the noted server 80 in Ellis. The outstanding Office Action is in error in not properly considering that claimed feature.

Ellis Further Does Not Disclose the “user controlled mobile telephone or personal digital assistant”, or the “transmission means”, “transmitting” operations, or “transmitter” Recited in the Claims

According to features in the claimed inventions, an information processing apparatus of a mobile phone or PDA itself acquires, without needing an intermediary of the personal

¹ Office Action of April 28, 2010, page 4, second paragraph.

computer or recording apparatus, through the internet and under a user control, the control information for controlling recording of a program from a remote program information providing apparatus, converts that information into code information, and directly transmits the code information to the remote recording apparatus. Further, that remote recording device confirms whether the information from the information processing apparatus properly sets a program preset recording and displays whether the program preset recording is proper or improper.

Independent claims 1 and 11 recite:

a user controlled mobile telephone or personal digital assistant for acquiring, without accessing the personal computer or the recording apparatus, control information for controlling preset recording of a program by accessing a remote program information providing server through the internet based on a user request to access the remote program information providing server, and

transmission means for receiving said code information from said conversion means and for transmitting said code information obtained by said conversion means directly to said recording apparatus under control of said control means[.]

Independent claim 7 similarly recites:

under user control acquire control information through a mobile telephone or personal digital assistant, without accessing the personal computer or the recording apparatus, for controlling preset recording of a program by accessing a remote program information providing server through the internet based on a user request to access the remote program information providing server, and

a transmitter configured to receive said code information from said controller and to transmit said received code information directly to said recording apparatus under control of said controller[.]

Applicants submit the above-noted features are clearly neither taught nor suggested by Ellis.

With respect to the above-noted features of the transmitting device or operation the outstanding Office Action appears to cite disclosures in the remote access device (RAD) 24 in Ellis.²

Applicants submit Ellis does not disclose or suggest control means including a user controlled mobile telephone or PDA to acquire, *without accessing the personal computer or the recording apparatus*, control information for controlling preset recording of programs by accessing a remote program information providing server through the internet, or a transmission device that can transmit code information *directly* to a recording apparatus.

Again with reference to Figure 1 in the present specification as a non-limiting example, each of a phone 1 and PDA 2, which can access a remote program information providing server 8 through the internet, without accessing the personal computer 5 or the recording apparatus 12, can *directly* transmit code information for programming the recording apparatus to the recording apparatus.

One grounds for the rejection states in Ellis the RAD-24 can directly access the recording apparatus through the internet and communicate to a service provider via a Web server.³

In that respect applicants submit the Office Action is considering separate and isolated disclosures in Ellis.

Ellis discloses a modification in which a personal computer can be used as a controller instead of the RAD-24 and can access the internet, see for example paragraph [0099] in Ellis. However, in paragraph [0099] Ellis does not disclose the personal computer being able to directly transmit code information to the recording apparatus to effectuate recording, which is also required in the claims. In that modification Ellis discloses the user

² Office Action of April 28, 2010, pages 4-5.

³ Office Action of April 28, 2010, top of page 3.

television equipment 22 is utilized to send the recording information to the recording apparatus. In further detail, at paragraph [0099] Ellis discloses a personal computer at a user's work office can be utilized to generate code information to effect recording on a recording apparatus. However, in that feature that personal computer cannot directly transmit the code information for recording to the recording apparatus, in contrast to the claimed features. In that feature in Ellis, the internet site will send the control information to the user television equipment 22 to effect recording. In that feature in Ellis, in contrast to the claimed features, the user's work computer clearly does not directly transmit any information, and particularly the code information for reading, to the recording device.

Ellis discloses other embodiments in which the RAD-24 cannot directly communicate with the internet, but must communicate through the television program guide equipment 17, see for example Figures 2a to 2d. Applicants submit, however, in such further embodiments Ellis still does not operate as in the claimed invention in which the information processing apparatus can both access a remote program information providing server 8 through the internet directly, and can also directly transmit recording information directly to the recording apparatus.

That is, applicants submit as shown for example in Figures 2a to 2d, Ellis does *not* disclose or suggest the noted remote program guide access device RAD-24 can both directly access a remote program information providing server through the Internet and directly transmit code information for setting a recording on a recording apparatus directly to the recording apparatus. In each instance Ellis discloses the remote program guide access device 24 must operate either through a user television equipment 22 or a television distribution facility 16.

In contrast to Ellis, and again with reference to Figure 1 in the present specification as a non-limiting example, the phone 1 or PDA 2 can access the remote program information

providing server 8 through the Internet directly, and can also directly transmit recording information directly to the recording apparatus 12. The remote program guide access device 24 cited in Ellis is not disclosed or suggested as performing both such direct functions.

Applicants draw attention to paragraph [0093] of Ellis that specifically states:

[0093] Remote program guide access device 24 may also have communications device 58. Communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 *over link 19*, such as a communications port..., modem, ... network interface card..., wireless transceiver..., or other suitable communications device.

From the above-noted disclosure it is clear Ellis in further embodiments discloses the remote program access device 24 must communicate over a link 19 with a television program guide equipment 17. As clear from Figures 2a-2d in Ellis the remote program guide access device 24 via the link 19 connects to the user television equipment 22 or the television distribution facility 16, but does not both directly access a remote program information providing server through the Internet and directly transmit recording information directly to the recording apparatus.

In view of the foregoing comments, applicants submit each of the claims as currently written positively recites features neither taught nor suggested by Ellis, and thus the claims as written are allowable over Ellis.

As no other issues are pending in this application, it is respectfully submitted this application is in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)
4078164_1.DOC



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Surinder Sachar
Registration No. 34,423